UNITED STATES DISTRICT COURT WESTERN DISTRICT OF PENNSYLVANIA

INDECK KEYSTONE ENERGY LLC,)
Plaintiff,)
. v.) Civil Action No. 04-00325 Erie
VICTORY ENERGY OPERATIONS LLC,) Judge Sean J. McLaughlin
Defendant.)
))

DECLARATION OF CHRISTOS PETCOS

- I, Christos Petcos, give this Declaration based on my personal knowledge of the subject matter described below.
 - 1. I am the General Manager of Indeck Keystone Energy LLC, which is the successor to Erie Power Technologies, Inc. ("EPTI") under a License Agreement that EPTI entered with Defendant Victory Energy Operations LLC ("VEO"). As General Manager, I am responsible for overseeing Indeck's business operations, including documents obtained by Indeck from EPTI (through CMI EPTI LLC) in connection with Indeck's acquisition of assets previously owned by EPTI, and for overseeing the License Agreement with VEO. Prior to joining Indeck, I was an engineer with EPTI, including President of Keystone Energy, a division of EPTI, and was knowledgeable concerning the License Agreement between EPTI and VEO, including having conversations with other engineers and with EPTI's President (Stephen Kang). I reviewed the License Agreement while employed with EPTI.

- 2. VEO sent "Unit Sale Notifications" ("USNs") to EPTI and later to Indeck that identified information concerning boilers sold by VEO that were used by the licensor to invoice VEO for royalty payments. Those USNs were maintained by EPTI and Indeck in the ordinary course of business. When Indeck became licensor, the USNs were sent to my attention and were reviewed by me. Exhibit 30 to Plaintiff's Statement of Undisputed Facts contains USNs sent by VEO to Indeck, while Exhibit 31 contains USNs sent by VEO to EPTI. As shown by a comparison of the USNs, the ones sent to EPTI identified the boilers as having membrane walls, whereas the ones sent to Indeck did not make that disclosure.
- 3. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 1, 2006.

Christos Petcos